

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA, THE  
STATES OF CALIFORNIA, COLORADO,  
CONNECTICUT, DELAWARE, DISTRICT  
OF COLUMBIA, FLORIDA, GEORGIA,  
HAWAII, ILLINOIS, INDIANA, IOWA,  
LOUISIANA, MARYLAND,  
MASSACHUSETTS, MICHIGAN,  
MINNESOTA, MONTANA, NEVADA,  
NEW HAMPSHIRE, NEW JERSEY, NEW  
MEXICO, NEW YORK, NORTH  
CAROLINA, OKLAHOMA, RHODE  
ISLAND, TENNESSEE, TEXAS,  
VERMONT, VIRGINIA, WASHINGTON,  
WISCONSIN, THE CITY OF CHICAGO,  
AND THE CITY OF NEW YORK *ex rel.*  
OMNI HEALTHCARE INC.,

Plaintiffs,

v.

MCKESSON CORPORATION,  
MCKESSON SPECIALTY CARE  
DISTRIBUTION CORPORATION,  
MCKESSON SPECIALTY DISTRIBUTION  
LLC, MCKESSON SPECIALTY CARE  
DISTRIBUTION JOINT VENTURE, L.P.,  
ONCOLOGY THERAPEUTICS NETWORK  
CORPORATION, ONCOLOGY  
THERAPEUTICS NETWORK JOINT  
VENTURE, L.P., US ONCOLOGY, INC.,  
and US ONCOLOGY SPECIALTY, L.P.,

Defendants.

Case No.: 12-CV-06440(NG)(LB)

**RELATOR'S RULE 26(A) INITIAL DISCLOSURES**

Plaintiff/Relator Omni Healthcare Inc. ("Omni" or "Relator"), states as follows for  
its initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1)

The following disclosures are preliminary and based upon the information reasonably available to Relator at this stage of the litigation. Relator expressly reserves the right to supplement and/or amend these disclosures.

Nothing contained herein is intended as, and shall not be construed as, an admission of the relevance or the admissibility of any information, testimony, documents or tangible things. Relator reserves the right to object to the disclosure, production or admissibility of any information, testimony, documents or tangible things on the grounds of, without limitation, the attorney-client privilege, attorney work product protection, and/or on any other basis permitted by or under the Federal Rules of Civil Procedure, the Federal Rules of Evidence, or any other applicable rule, law or procedure.

**1. The name and, if known, the address and telephone number of each individual likely to have discoverable information – along with the subjects of that information – that the disclosing party may use to support its claims or defenses, unless solely for impeachment.**

- Omni Healthcare Inc, c/o Boies Schiller Flexner LLP, counsel for Relator.
- Current and former employees of Omni Healthcare Inc., all c/o Boies Schiller Flexner LLP:
  - Craig Deligdish
  - Laurie Lucas
  - Mark Bobango
  - Jill Dobbs
  - Melissa Studebaker
- All individuals identified by Defendants in their Initial or Amended Disclosures or otherwise revealed in discovery.
- The following former employees or agents of Defendants may have information concerning the pre-filled syringe program conducted by Defendants:

Gena Cook, VP Sale and Marketing 2002-2008  
Rebecca Shanahan, President OTN Specialty Services, 2007  
Mark Jolly, VP Payor Sales 2005-2008  
Greg Maxfield, Director of Sales, 2005-2010  
Stephanie Shields, PharmD. Clinical Specialist 2006-2016  
Bill Winn, Technology Sales 2004-2011  
Bridget Duffy Sales Rep 2008-2010  
Mike Close Senior Director of Sales 2000-2010  
Craig Wilson 2004-2010 Sales Director/Technology  
Frank Slater 2005-2011 Sales Director  
David McKeehan 2004-2010 Director Strategic Accounts  
Monique Weston 2003-2011 Senior Director Marketing  
Erin Rausch 2007-2010 VP Strategic Accounts  
Jim Gruber 2004-2011 Sales (US Oncology/McKesson)  
Phil Bolger VP and GM McKesson Specialty  
Tesh Khullar 2005-2014 GM SVP Sales  
Becky Frank 2006-2013 Gates Foundation  
Mike Cunningham 2006-2016  
Bennett Holtzman 2003-2017, National VP Sales  
Suzanne Greenwood VP Sales- 2007-2009  
Joe Wornson 2005-2010 Sales Director  
Mathew Kull, 2005-2008 IT-Informatics IVP Care-OTN-Mckesson  
Ray Tancredi Director, Clinical Marketing 2002-2008

Nancy McCutcheon, 2006-2009 VP Pharmacy Sales and Provider Relations  
Steve Zabriski Director of Marketing and Product Development 2003-2008  
Art Jones III 2005-2012 National Director Managed Care  
Clark Avery, President, GM, 2003-2008  
Matt Thompson, 1998-2010  
Rena Goins, 2006-2008 Sales, Sales Training  
Walter Kalmans, VP Business Development 2003-2008

- The following current employees of Defendants may have discoverable information concerning Defendants' pre-filled syringe program and the allegations of the Second Amended Complaint:

Chris Wixon Business Development Executive 2003- present  
Mia Garcia Jan 2010-present  
Louis Chinn 2010-present  
Michael French, Account Executive 2006-present  
Annessa Issa Bzaouzi 2000-present  
Breony Ryan, 2007-present  
Brian Schmidt 2008-present  
Heather Morel- 2007-present  
Kim Bergstron, PharmD, Chief Clinical Officer 2005-present

- The following third-parties/competitors of McKesson may have discoverable information concerning the competitive market for pre-filled syringe programs and knowledge of the extent of McKesson's operations, marketing, pricing and customers:

Mike Mullen COO Amerisource Bergen Specialty Group 2003-2010

Steve Collis, Executive Vice President and President of AmerisourceBergen Specialty Group, knowledge spans from at least August 2001 to September 2009

**2. A copy—or a description by category and location—of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment.**

Relator identifies the following documents in its possession, custody or control:

- Exhibits attached to the pleadings or other papers filed, served or disclosed to any party in connection with this case.
- Documents given to the Department of Justice as part of its investigation into the allegations of the Amended Complaint.

- Documents that relate to Defendants' pre-filled syringe program.

**3. A computation of each category of damages claimed by the disclosing party—who must also make available for inspection and copying as under Rule 34 the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered.**

Damages are the amounts billed to the United States, trebled as authorized by law, and penalties for each claim as authorized by law, that Defendants submitted or caused to be submitted through or in connection with the pre-filled syringe program in violation of the False Claims Act as enacted by each state Plaintiff and by the United States of America.

**4. For inspection and copying as under Rule 34, any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.**

Relator is not aware of the existence of any such insurance agreement.

Dated: March 27, 2019

Respectfully submitted,  
**BOIES SCHILLER FLEXNER LLP**

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